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ABSTRACT

Following World War I, many Americans plunged into sport, and found the Sabbath a convenient and popular day for engaging in sporting events, especially since Sunday activities had become commonplace during the War and acceptable in many areas. However, when Pennsylvanians turned to sport on the Sabbath, they were confronted by the state's archaic blue law of 1794 which prohibited all sports and diversions on Sundays. In 1926, the Philadelphia Athletics baseball team tested the statute by scheduling a Sunday contest with the Chicago White Sox. The game was played without incident, but Sabbatarians protested and brought this issue before the courts. In 1927 the Pennsylvania Supreme Court concurring with Sabbatarian charges, ordered the Athletics not to schedule any more Sunday games under penalty of forfeiting its charter of incorporation. It was not until 1933, after several battles in the Pennsylvania legislature, that the Sunday lobby generated enough votes to modify the 1794 statute. The new law permitted baseball and football on Sunday afternoons between 2:00 and 5:30 p.m., if the voters of any locality approved. The electorate in Pennsylvania's metropolitan areas voted heavily in favor of Sunday sports at the November 1933 elections. Immediately after the elections, professional football teams began playing on Sundays in Pittsburgh and Philadelphia, inaugurating the first legal Sunday sports in Pennsylvania's history. (Author/JS)

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SUNDAY SPORT COMES TO PENNSYLVANIA: PROFESSIONAL BASEBALL AND FOOTBALL TRIUMPH OVER THE COMMONWEALTH'S ARCHAIC BLUE LAWS, 1919-1933

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SUNDAY SPORT COMES TO PENNSYLVANIA: PROFESSIONAL BASEBALL AND FOOTBALL TRIUMPH OVER THE COMMONWEALTH'S ARCHAIC BLUE LAWS, 1919-1933

"The nation, released from years of gloom and suppression, is expressing the reaction by plunging into sport."[1] This feeling portrayed in a New York Times' editorial was widespread in America following World War I. American servicemen, schooled in boxing, baseball, football, and volleyball for training as well as recreational purposes, returned home and continued to engage in these activities. Simultaneously, the civilian populace found sport a satisfying experience for their recreational and entertainment needs which had been drastically inhibited, if not curtailed, by the austerity resulting from the war.

In addition to igniting a sports boom in America, the Great War unleashed forces which initiated the final breakdown of the strict American Sabbath. The war made Sabbath enforcement extremely difficult, if not impossible. Wartime emergencies required around-the-clock labor not only at the battle front, but also on the domestic scene. Military training and athletic programs were commonplace on the Sabbath at army camps. These trends, although to a lesser degree, continued in America after the war.[2] Thus, wartime pressures coupled with austerity at home caused Americans to turn to sport--both as participants and spectators--following the armistice, and Americans in increasingly larger numbers engaged in sport on Sundays.

A number of Pennsylvanians, similar to many other Americans, found the Sabbath a convenient day for enjoying sports and amusements. Their actions, however, conflicted with the Commonwealth's age-old blue law which prohibited any kind of sport or diversion on the Sabbath.

Pennsylvania's blue laws were a reflection of the state's religious heritage. The Society of Friends, popularly known as Quakers, and Scots-Irish Presbyterians detested most sports and amusements because such activities, in their eyes, contributed to idleness. Both religious denominations despised idleness because it was incompatible with their social ethic of industriousness and productivity. Pietistic in outlook, each denomination adopted legislation to preserve the strict Sabbath and to suppress frivolous sports while it held Pennsylvania's political reins. When the Friends were in command during Pennsylvania's early history, they enacted one law to protect the Sabbath from secular activities and another law for the suppression of idle sports and amusements, such as cockfights, bull-baits, stage plays, and gambling games.[3] As Pennsylvania's population diversified during the eighteenth century, some sports became acceptable on weekdays and were even engaged in on Sundays. When the political power in Pennsylvania shifted to the Scots-Irish Presbyterians at the time of the American Revolution, they deemed it necessary in 1779 to combine into one statute the Sabbath observance law and the law against frivolous sports. This blue law was modified slightly in 1786 and again in 1794.[4] Pietistic and Sabbatarian influences kept the 1794 blue law intact throughout the nineteenth and well into the twentieth centuries. This archaic statute of 1794 confronted Pennsylvanians at the close of World War I and hampered their participation in sports and amusements on Sundays.

Following the war, several Pennsylvania lawmakers introduced legislation to liberalize the state's Sabbath laws. Sabbatarians, however, successfully resisted repeated attempts to open the Sabbath at the

1919, 1921, 1923, and 1925 legislative sessions.[5] Two incidents, however, one in Philadelphia and one in Pittsburgh, showed the intensity with which the 1794 blue law was questioned.

In May of 1919, the commissioners of Philadelphia's public parks passed a resolution permitting such outdoor activities as baseball, tennis, and golf on Sundays at the city's public parks. Although Philadelphians in previous years had enjoyed these and other sporting activities on Sundays in the parks, the commissioners, supported by Mayor Thomas B. Smith, deemed it necessary to issue a positive statement regarding Sunday activities in the parks.[6] This declaration sparked an immediate and abrasive response from several Sabbatarian groups. Speaking on behalf of the Philadelphia Sabbath Association, the Reverend Mr. Thomas T. Mutchler promised an all-out offensive to end this kind of Sabbath desecration "in the interest of public morality."[7]

Moving quickly, Sabbatarians brought the Sabbath issue before the Philadelphia County Court of Common Pleas charging that Sunday sports in the city parks was a violation of the 1794 statute. Mr. Justice William H. Staake, after considering testimony from both sides of the controversial Sabbath issue, dismissed the case and encouraged liberal enforcement of the 1794 blue law. Justice Staake believed that physical exercise and and athletics were as vital as food and sleep, for many of the physical defects of military inductees revealed by the conscription examinations were "attributable to lives spent in toil unrelieved by opportunities for physical recreation and development." As for Sunday sports destroying the sanctity of the Sabbath, the justice asserted that military personnel participated in games and athletics on Sundays without detriment

to their religion or Christian duty; in fact, such activity nourished their health and morale. Now that "thousands of young men accustomed to this form of behavior are demobilized," continued Staake, "every encouragement should be offered them to continue to lead clean, healthful lives."[8] Sabbatarians, dissatisfied with Justice Staake's ruling, appealed to the Pennsylvania Supreme Court. The high court upheld Staake's decision and dismissed the appeal.[9]

In spite of the judiciary's encouragement of liberal enforcement of the 1794 blue law, the conflict between Sabbatarian demands for a strict Sabbath and twentieth-century pressures for an open Sunday remained unresolved, and as such, resulted in the tragic death of a 23-year old Philadelphia man. A group of youths in Philadelphia's Kensington district made it a practice of playing baseball on Sundays in a vacant lot near St. George's Episcopal Church. The rector had often complained in the past about the noise from the games because it disturbed his Sunday services. On one Sunday in May, 1921, the commotion from a baseball game was so distracting that the rector had to stop his service. One vestryman approached the players and asked them to stop the game; when they refused, he summoned the police. When the patrolman responding to the call attempted to break up the baseball game, several players and on-lookers attacked him with clubs, knocking him to the ground and then kicking him. In desperation, the patrolman drew his pistol and fired blindly into the mob, killing the young man. Churchmen immediately blamed the mayor and the public safety director for this dreadful incident.[10]

An editorial in the Philadelphia Public Ledger, attempting to ex-

plain the underlying cause of this tragedy, held that the prohibition of Sunday baseball is widely disregarded because "a large section of public opinion regards the existing law . . . as antiquated and inapplicable to present-day conditions, . . ." The editorial assailed Sabbatarians for blocking attempts in the state legislature to bring the Sunday law in "harmony with the prevailing sentiment of the community." Had the 1794 blue law been brought up to date, the editorial continued, youths would have realized the impropriety of playing baseball during Sunday church services and the Kensington tragedy would have been averted.[11]

While Philadelphia wrestled with the Sunday baseball controversy, Pittsburghers became entangled in a battle involving Sunday football. Already in 1920, dozens of independent, semi-professional football teams in the Pittsburgh area played Sunday games.[12] Football teams generally represented neighborhoods or athletic clubs in Pittsburgh and small industrial towns around the city. These teams depended on Sunday games for their existence because Saturday football, long monopolized by the colleges, was impregnable to the professionals. Then, too, Sunday football became a necessity for those professional clubs which adopted the practice of hiring college stars who offered their services under assumed names.[13] Professional teams played on Sundays in certain Pittsburgh neighborhoods and in surrounding communities where residents and police were sympathetic toward them.[14]

The dispute over Sunday football in Pittsburgh erupted in 1926 when the North Side Hope-Harveys, an independent, semi-professional team, scheduled a Sunday contest with its cross-town rival from the south side. Upon hearing of the proposed football game, the Reverend J. Alvin Orr,

pastor of the First United Presbyterian Church, asked the police to stop the game. Public Safety Director James M. Clark, honoring the Reverend Mr. Orr's request, ordered the Pittsburgh police to stop all Sunday games within its jurisdiction.[15] The Hope-Harveys observed Clark's order and transferred its game to Steubenville, Ohio, where Sunday ball was permitted. Other teams, however, attempted to play their games in Pittsburgh. Of the five Sunday football games scheduled, police halted three, unintentionally overlooked one, and stopped one temporarily. The latter contest, however, resumed once police left the scene.[16]

On the advice of City Solicitor Charles A. Waldschmidt, Public Safety Director Clark extended the Sunday ban on football to include all sports because the 1794 blue law prohibited all sporting activities on the Lord's Day. Clark later revised his proclamation, forbidding only football and baseball on Sundays. The public safety director justified his action with the logic that football and baseball attracted crowds and created public disorders.[17] Critics charged that political pressure from Mayor Charles H. Kline and Public Works Director Edward C. Lang forced Clark to modify his position on the Sunday sports ban. Both Kline and Lang feared their administration would lose too many votes unless tennis, golf, and other sporting activities were removed from the Sunday ban.[18]

The independent football teams attempted to fight the public safety director's ban on Sunday football. Representatives from forty-eight teams in the Pittsburgh area met and outlined strategy for dealing with Clark's directive. They hoped to raise enough funds to bring their cause before the courts where they would seek an injunction, restraining

police from stopping their games. All they wanted was the same privilege football teams enjoyed in the neighboring states of West Virginia, Ohio, and New York--that is, the right to play football on Sundays.[19] Organized football's efforts, however, failed to generate the necessary funds to support a course of legal action. Consequently, numerous teams folded; those that survived, did so by playing as many Sunday games as possible with teams in Pittsburgh's suburban communities, or by moving their home games to towns where local magistrates and police did not enforce the 1794 blue law.[20]

Although professional football failed to win immediate approval for Sunday games in Pittsburgh, it gave the Sunday sports movement valuable publicity. Football's campaign for Sunday games and Philadelphia's Sunday baseball issue set the stage for organized sport to break through Pennsylvania's legal barrier against Sunday sports and recreation. This breakthrough, however, could not have occurred when it did had it not been for the rapidly developing social changes of the 1920's.

During the period between World War I and the Great Depression, America experienced a revolution in manners and morals. A series of diverse forces, each one playing upon the other, brought about this revolt. The post-war disillusionment, the new status of women, Freudian psychology, the automobile, prohibition, and the movies interacted with one another to bring about a relaxation of America's moral behavior. These forces, combined with emerging scientific principles and the theory of evolution, strongly modified the American attitude toward religion. Churches and ministers lost prestige. More and more Americans turned away from the churches and the clergy as the final authority on important moral issues.

Partly responsible for the loss of respect for churchmen was the American intelligentsia. It was skeptical of religion, though it made no conscious attempt to prosyletize. What it resented most was the mounting intolerance and restrictions on personal liberty. It despised prohibition, censorship, fundamentalism, and all other limitations of freedom. It believed Americans were beset with "too many laws," and that people "ought to be left alone." This aura of "restlessness and irritability" was America's reaction to the seriousness of life which grew out of the Great War, the Red Scare, and the rejuvenation of the Ku Klux Klan. Many Americans coped with this uneasy period by turning to amusement and entertainment. During the twenties sport became "an American obsession." Baseball, horseracing, golf, and tennis enjoyed unparalleled success.[21] Emerging from this unstable and rebellious atmosphere came the drive which, spearheaded by organized baseball, eventually eradicated Pennsylvania's anti-sporting blue laws.

The Philadelphia Athletics Professional Baseball Club, in dire financial straits due to the exorbitant salaries commanded by some of its players, looked for a new source of income. Sunday baseball represented an untapped reservoir and the Athletics planned to exploit it. The Sesqui-Centennial Exposition, held in Philadelphia in 1926, won the right to open on Sunday. This privilege granted to the Exposition gave John B. Shibe, vice-president of the Athletics, the ammunition he needed to experiment with Sunday baseball.[22] Shibe saw no difference between the Exposition and a baseball game--they were both entertainment. The Athletics scheduled a baseball game for a Sunday in August, 1926, to test the antiquated statute of 1794 which forbade Sunday sports. In

order to prevent the Philadelphia police from stopping the game, the Athletics secured from the court of common pleas an injunction barring Philadelphia's public officials from interfering with the "playing or conduct" of the baseball game. Philadelphia mayor W. Freeland Kendrick and Director of Public Safety George W. Elliot agreed to honor the injunction, though they both were staunch opponents of Sunday baseball. The Reverend William B. Forney and twelve other members of the Philadelphia Sabbath Association planned to be on hand to see if any "breach of peace" occurred during the contest. "The Athletics," remarked Forney, "are placed in a peculiar position of violating a law simply because the penalty imposed is so much less than the financial benefit derived that lawlessness becomes profitable."[23] The Athletics' management warned the spectators against making loud noises that might disturb the neighborhood surrounding Shibe Park and be construed as a "breach of peace." The game was played in a light drizzle without incident. Although the rain kept the attendance down to 10,000, the Athletics' management was pleased with the outcome. The crowd conducted itself perfectly, and the Athletics scored a 3-2 victory over the Chicago White Sox.[24] The Athletics planned no further Sunday games for the 1926 season because the schedule was set and changing it would involve a burdensome task.

In October, 1926, Pennsylvania attorney-general George W. Woodruff filed charges in the Dauphin County Court of Common Pleas at Harrisburg against the Athletics for playing baseball on a Sunday. This court, defining baseball as a business, ruled that such contests on Sundays were in violation of the 1794 statute. Interpreting this breach of the 1794 law as also a violation of the Athletics' charter of incorporation, the

court warned the Athletics not to schedule any more Sunday games under penalty of forfeiting their charter.[25]

The Athletics appealed the decision to the Pennsylvania Supreme Court. In April of 1927 John R. Geyer, counsel for the Athletics, presented the baseball club's argument. The Athletics did not violate their charter, the attorney contended, because there was no provision in it prohibiting baseball on Sundays. In addition, Sunday baseball, whether or not admission is charged, Geyer argued, is not a violation of the 1794 law "unless it disturbs or interrupts the religious worship of the community." Counsel for the Commonwealth disputed every one of Geyer's points. After weighing the arguments for two and one-half months, the state's supreme bench upheld the lower court decision that professional baseball was a business and playing it on Sunday violated the Act of 1794. Mr. Justice William L. Schaffer wrote the majority opinion which declared the citizens of Pennsylvania as Christians and Christianity part of the state's common law. "Sunday is a holy day among Christians," wrote Justice Schaffer. "No one, we think, would contend that professional baseball partakes in any way of the nature of holiness."[26]

Editorializing on the Pennsylvania Supreme Court's decision, newspapers in Philadelphia and Pittsburgh urged the state legislature to repeal the 1794 blue law.[27] If the state legislature was going to repeal the 1794 statute, some new tactic would have to be employed, for the Pennsylvania lawmakers in 1927 turned down two more bills opening Sundays to sports and amusements. At the next legislative session in 1929, no less than five bills calling for modification of the Sunday laws bombarded the Pennsylvania House of Representatives. All five bills died

in the Committee on Law and Order.[28] Throughout the twenties, Sabbatarian influences kept Pennsylvania's Sunday law intact in the legislature. By the end of the decade, however, a disrupted economy and the election of liberal political leaders supplied additional pressure to open the Sabbath to professional sports.

The Great Stock Market Crash in the fall of 1929 brought the "roaring twenties" to a staggering halt. The ensuing economic depression brought on hard times. Mere existence was a struggle for many. Unemployment rose and tax base declined. As a result of the difficult times, new political leaders advocating reform came forward. One such politician was the new Mayor of Philadelphia, Harry A. Mackey, elected in 1930. Mackey favored an "Open Sunday" as a possible source of income to assist the city's financially distressed residents.[29] He sparked the campaign in Philadelphia to abolish the state's blue laws. His bitter protests of the "Closed Sunday" inspired blue-law opponents. William M. Roper, Philadelphia councilman and Princeton University football coach, took charge of the local forces and pushed a resolution through city council calling for a special committee of five to study Pennsylvania's blue law. Roper became chairman of the Blue Laws Committee. During the summer of 1930, the committee conducted hearings in Philadelphia to determine the public sentiment regarding the Sunday laws. A similar committee in Pittsburgh ascertained the public's attitude there toward the blue law. As a result of the Philadelphia hearings, Roper's committee received petitions containing 300,000 signatures favoring the modification of the 1794 blue law. The committee's revelations of strong anti-blue law sentiment was encouraging to hotelmen and theatre operators who had

long complained that prohibition and blue laws inhibited their businesses. The economic argument, however, had been advanced in the past and failed. The conservative element, composed largely of legislators from rural districts, dominated the Pennsylvania General Assembly and repeatedly prevented urban liberals from modifying the Sunday laws. In an article for the New York Times, Lawrence Davies captured this feeling when he wrote:

> . . . sentiment in the smaller towns and boroughs . . . prevails over the more liberal big city feeling. . . . Many upstate districts which are satisfied with existing conditions and which may even be lax in enforcing the law, continue to have a feeling of moral responsibility for the metropolitan areas.[30]

Despite twenty years of constant set-backs, "Open Sunday" advocates continued to push for modification of the 1794 blue law. Agitation in the cities for its repeal carried to the 1931 General Assembly. Legislation on the Sunday sports question proliferated as urban legislators proposed eight different measures on this controversial subject.[31] Only two bills, the ones introduced by Representatives Schwartz and Denning, both of Philadelphia, were significant because they nearly accomplished what Sabbath liberals in the legislature had advocated for the past twenty years--repeal of the 1794 blue law.

In late February, 1931, Louis Schwartz presented a measure changing the hours of milk delivery on Sunday mornings from nine to ten o'clock during the months when daylight savings time was in use. Two months later, Clinton A. Sowers of Philadelphia attached a rider to the Schwartz bill which permitted baseball on Sunday afternoons between 2:00 and 5:30 p.m., provided the electorate in the locality where baseball was to be played approved of such games.[32] The 5:30 p.m. curfew on Sunday baseball was established in deference to those religious denominations,

particularly Baptists and Methodists, whose practices included worship services and youth-oriented programs on Sunday evenings.

Sowers proposed the amendment because he believed the 1794 law discriminated against Philadelphia's youth. City boys were often arrested for playing baseball on Sunday, while in the country law enforcement officials looked the other way when boys played baseball on the Sabbath. Referring to baseball as a "wholesome and honest sport," Sowers assured the legislature that it would keep youth active and out in the open, off street corners, and away from pool rooms and other unsavory places. He denounced the overcrowded and deplorable conditions in the city and insisted that city dwellers needed "some diversion on Sunday . . . and the lightest and most innocent diversion is . . . baseball." Frederick Beyer also of Philadelphia quickly came to his colleague's defense. Like Sowers, Beyer resented the hypocrisy surrounding the irregular enforcement of the 1794 statute. He asked why the common people of Philadelphia should be denied Sunday baseball when the "gentlemen and women of leisure" play golf at their fashionable country clubs on Sunday without a "murmur of protest"?[33]

Opposition to the Sowers amendment in the legislature came mostly from rural districts. Sidney V. Carmany of Venango County in northwestern Pennsylvania lodged one of the most bitter protests. According to Carmany, the preservation of the Sunday laws was an "absolute moral necessity" because "corruption of morals usually follows profanation of the Sabbath." Convinced that "ninety per cent of all criminals . . . were habitual Sabbath breakers before they became criminals," the Venango legislator warned that legalizing Sunday baseball would "debauch the

children and young people and wean them from everything that is spiritual, and Pennsylvania will pay a fearful price some day in immorality."[34] For similar reasons, Hugh M. Stevenson of Mercer County in western Pennsylvania objected. He feared Sunday baseball would be "the entering wedge to the ultimate and utter desecration of the Sabbath day." G. Albert Stewart, representing central Pennsylvania's Clearfield County, opposed the Sowers amendment on secular grounds. He believed it was designed "entirely and solely in the interest of those wealthy owners of baseball franchises in the large centers of population." He resented the way the Sunday baseball rider was fastened to the Schwartz proposal. The rider was attached after the milk bill won much support through the sympathetic appeals of its sponsors on behalf of helpless babes who needed milk on the Sabbath. In a derisive address, Stewart assailed the absurdity of milk and baseball with these remarks: "It is about as illogical to tie on to a milkwagon the interests of organized baseball as it would be to try to graft a lemon on a milkweed."[35] These Sabbatarian voices must have been heard, for the Schwartz bill fell just three votes short of passing the House of Representatives. The actual vote was 102 in favor with 98 opposed, but the constitutional majority required for passage was 105.[36]

Bernard Haggarty, a reporter for the Philadelphia Public Ledger, analyzed the defeat of the Schwartz bill. He attributed the bill's demise to the governor's lobbyists. Governor Gifford Pinchot did not want to be confronted with vetoing the bill if it passed the legislature. Pinchot's chief lobbyists were John A. McSparren, Secretary of Agriculture, and Charles F. Armstrong, Commissioner of Insurance. Clergymen

from all over Pennsylvania assisted them on the House floor. The most prominent churchmen in attendance were the Reverend Messrs. William B. Forney and Thomas T. Mutchler.[37]

Protagonists of the liberal Sabbath and the Sunday baseball lobby, headed by Councilman Roper and Charles Denby, refused to accept defeat. When the Schwartz bill failed in the House, they immediately threw their support behind the other bill which sanctioned professional baseball on Sundays in counties where the electorate had voiced its approval. This measure, introduced by Steven G. Denning in early April, came up for consideration and debate during the first week of May. Sowers proposed several amendments dealing with Sunday baseball which the House adopted.[38] The Denning bill in its final form was an improvement over the Schwartz bill because it gave second class townships special power to pass ordinances banning Sunday baseball if that was the sentiment of their citizens. Previously, local officials of second class townships opposed modification of Sunday laws because they had no legal authroity to make ordinances of any kind.[39] With the appeasement of second class townships the Denning bill passed the House one week later, but died in the State Senate's Committee on Law and Order, dominated by senators from rural counties.[40] Despite its demise in the upper chamber, the Denning bill represented a significant triumph for the patrons of the liberal Sabbath. Their cause gained popularity, but it took another two years before total victory was achieved.

After the special General Assemblies of 1931 and 1932 refused to adopt any one of several measures providing relief for the unemployed with revenue derived from Sunday sports,[41] Louis Schwartz introduced a

measure early in the 1933 legislative session quite similar to the Denning bill of 1931. The 1933 Schwartz bill, like the Denning bill, called for referenda on Sunday baseball in every locality. Where voters approved, baseball could be played on the Lord's Day. Saturated with Sabbatarian and anti-Sabbatarian rhetoric in 1931, the House pushed this bill through rapidly with little debate. In early February, less than one month after its introduction, the Schwartz bill passed the House by a substantial 127-75 margin.[42]

Now it was the Pennsylvania Senate's turn to debate the Sunday baseball issue, though by 1933 most orations on the subject were anticlimactic. The Senate, considering the bill throughout February and early March, defeated it by a narrow 24-26 margin.[43] Senator John J. McClure of Delaware County cast the deciding vote. Had he voted in favor of the bill as he had previously indicated, the vote would have been tied, forcing Lieutenant Governor Arthur H. James to break the deadlock. James reportedly favored the Schwartz bill. Sunday baseball advocates charged McClure with following the advice of the State Republican Committee which opposed the Schwartz bill. McClure insisted that he voted according to his "own convictions."[44] Sabbath liberals, some politicians, and baseball men were dismayed by McClure's action. Connie Mack of the Athletics called the bill's defeat a "terrible blow" to his baseball club which was struggling financially. Gerald Nugent, president of the Philadelphia Phillies, expressed similar sentiment when he said: "Major league baseball clubs without Sunday baseball cannot compete with those that do have it."[45]

One week after the Schwartz bill's defeat, Senator McClure, in a surprise move, made a proposal to reconsider the Schwartz bill. Because

the senator's opposition to the Schwartz bill was unpopular with his constituency, he hoped "to retrieve his slipping prestige" with the motion to reconsider.[46] McClure was also the originator of a beer licensing measure pending before the Senate. In order to win enough legislative support to pass his own bill, the Delaware County senator thought he had to identify with the proponents of Sunday baseball. The Senate reconsidered the Schwartz bill and passed it by a 26-23 count.

Voting on the Schwartz bill was drawn generally along geographical lines. Urban legislators generally supported Sunday baseball, while those from the country districts usually opposed it. Rural lawmakers, as a rule, rejected Sunday sports because there was a tradition of strong pietistic sentiment for the strict Sabbath in their districts. The atmosphere of the city and the ethnic and religious diversity of its population who did not share the puritanical ethic of most rural inhabitants caused urban representatives to promote a liberal Sunday. As a result, all eight senators from Philadelphia County supported the bill as did five of six Allegheny County senators. The advocates of Sunday baseball, in order to get this measure through, needed help from rural senators. They got it from three senators representing counties in north central Pennsylvania. The political parties were divided on this issue. Of the forty-three Republican senators in the Pennsylvania legislature, twenty-three supported the Schwartz bill, nineteen opposed it, and one abstained. The seven Democratic senators were also split with three voting for the bill and four voting against it. Thus, senators generally followed the sentiments of their district on the Sunday baseball issue and not that of their political party.

Governor Pinchot received the Schwartz bill in April and signed it into law. In approving the Schwartz bill, Pinchot did an about face. At the 1930 convention of the Friends of the Proper Observance of the Sabbath, the governor promised to support all attempts to preserve the 1794 Sunday law.[47] Evidently time, social pressures, popular sentiment for liberal Sabbath, and political expediency altered his thinking. The governor had his eye on one of Pennsylvania's seats in the United States Senate and campaigned for that office, which eluded him for the third time, in 1934.[48] Rationalizing his changed attitude on the issue, Pinchot delcared he was "emphatically opposed to the commericalization of the Sabbath." Because Pennsylvania had a host of Sunday activities, such as the operation of trains, concerts, tennis, and golf, "the possible addition of baseball and football between the hours of 2 and 6, if the people of any locality vote for it, will not seriously change the present picture." Pinchot decried the "unjust discrimination in favor of the rich against the poor" which was obvious toeven the most casual observers The wealthy had ample opportunities to play golf and tennis on Sundays which were tolerated even during the hours of church services, but those without the financial resources had "no corresponding recreation, even when church services were not being held."[49]

Religious leaders scorned Governor Pinchot's decision. The Reverend Benjamin S. Stull, chairman of the Sabbath committee of the Methodist-Episcopal Conference of Philadelphia, said the governor did not have "the moral and spiritual welfare of the state at heart" when he signed the bill. The Reverend Mr. Forney called the approval of the Schwartz bill a "defeat of 'the Christian, patriotic, character-forming agencies of the Common-

wealth' by professional baseball interests."[50] Although Pinchot alienated numerous religious leaders and some partisan Republicans, he "probably improved his standing with the electorate in general" by approving the Schwartz measure.[51] The Pennsylvania Crusaders, and anti-prohibition organization, sent the governor a congratulatory note for his liberal view on the Sunday baseball issue. If anti-prohibitionists were delighted with Pinchot's action, baseball officials were exstatic. This time they had the last hurrah! The management of Philadelphia's two major league teams was jubilant. Perhaps Connie Mack epitomized their position best when he said: "At last we have won our fight."[52] Mr. Mack knew Philadelphians would not turn down Sunday sports at the November election of 1933.

Connie Mack accurately predicted the outcome of the November election. Voters in Philadelphia, Pittsburgh, and a dozen other Pennsylvania cities approved professional baseball and football as citizens across the Commonwealth rejected prohibition, a close relative to the Sunday blue laws, in a state-wide referendum.[53] The Philadelphia and Pittsburgh electorates voted in favor of Sunday sports by 7 to 1 margins.[54] With the Sunday baseball issue finally settled, Pennsylvania's major league baseball teams eagerly awaited the 1934 season to reap the highly coveted profits of Sunday ball.

Professional football, however, tasted the first fruits of the triumph over Pennsylvania's archaic blue laws. On 12 November, the first Sunday after the election, the Philadelphia Eagles and Pittsburgh Steelers inaugurated Pennsylvania's first legal professional sporting events on Sunday. The Eagles held the awesome Chicago Bears to a 3-3 tie in

front of 20,000 Philadelphia rooters, while the Steelers, known then as the Pirates, bowed to Brooklyn, 32-0, before a home crowd of 12,000.[55] Philadelphia and Pittsburgh had been awarded National Football League franchises in July, 1933, in anticipation that the electorate in both cities would approve professional football and baseball on Sundays.[56] According to Mr. Art Rooney, founder and owner of the Steelers, one did not have to be very perceptive about the fate of Pennsylvania's blue laws in the summer of 1933, for their repeal was a foregone conclusion. "Everybody was against blue laws," Rooney stated. "You did not have to work hard to arouse opposition because so few people were interested in them."[57] With these words, Mr. Rooney accurately depicted the popular sentiment toward the blue laws in Pittsburgh and Philadelphia. The vote at the November election verified his observation and indicated that a large portion of Pennsylvania's population would no longer accept and obey an outmoded statute enacted 139 years earlier.

A variety of forces, each interacting with one another, brought about the modification of Pennsylvania's archaic blue law to permit sports on Sundays. Society changed drastically since the blue law was enacted in 1794. Eighteenth-century customs were no longer applicable to twentieth-century behavior, particularly after the Great War and the social revolution of the 1920s had triggered simultaneously a sports boom and the breakdown of the strict Sabbath.

The 1794 blue law received its severest criticism when most of America reacted to all forms of intolerance and censorship. Americans attacked fundamentalism, the censored press, and prohibition. The latter was the central issue during the late twenties and early thirties. Pro-

hibition was a close cousin of Sunday blue laws in that both infringed upon personal liberties and stimulated great resentment. It was no coincidence that the former was repealed and the latter modified at approximately the same time in Pennsylvania.

Although social pressures accounted, to a large degree, for the the breakdown of the strict Sabbath in Pennsylvania, the immediate causes piercing this barrier and forcing it to crumble were economic. Professional baseball, viewing the blue laws as a financial handicap, advanced the economic argument in its campaign for Sunday sport. Hotel, restaurant, and theatre owners, envious of their counterparts who enjoyed the fruits of the open Sunday in neighboring states, also emphasized economics. The American economy, turned gloomy by the 1929 stock market crash and the ensuing economic depression brought added support to the economic argument. State and local officials looked for new sources of unemployment relief, particularly in urban areas where the greatest concentrations of jobless existed.

The vote on the Sunday sports issue was drawn generally, though not completely, along geographical lines. Urban legislators avidly advocated Sunday sport because they believed it to be in the best economic and humanitarian interests of their communities. They maintained this position when they learned that large segments of the urban populace regarded the Sabbath as a day for recreation and festivity. Most rural legislators, possessing a strong affinity for the strict Sabbath by nature of the traditionally conservative outlook of their constituents, opposed Sunday sport. Rural inhabitants not only objected to Sunday sport and recreation in their own areas which, ironically, were often engaged in without

opposition, but they also felt compelled to keep Sunday sport out of the cities.

Political expediency was the key determinant of the legislative vote on Sunday sport. Legislators tended to disregard the position of their political party and reflected the sentiment of their districts. Because the rural districts dominated the Pennsylvania legislature, urban representatives needed the support of some rural legislators in order to modify the 1794 act, making Sunday baseball and football legal. Several rural legislators, whose constituents did not frown upon Sunday sports, cast their lot with the sponsors of Sunday baseball and football for political reasons. They hoped their affirmative votes on the Sunday sports issue would attract enough return votes to pass measures favorable to them.

This analysis of the movement for Sunday sport in Pennsylvania is significant because it has exposed a side of Pennsylvania society not readily visible. It has provided a view of Pennsylvania through its citizens' sports and amusements. Such a view has revealed the growing popularity of sport in Pennsylvania and the potent influence of organized sport, particularly professional baseball, in providing the final thrust to overcome strong Sabbatarian and pietistic resistance and open Pennsylvania's Sabbath to sport. In that sports and amusements reveal valuable information about a society's manners and behavior, this study of the Sunday sports movement has provided a greater understanding of the nature of Pennsylvania and the character of its people.

NOTES

[1]Editorial, New York Times, 28 June 1919, p. 8.

[2]John Rickards Betts, "Organized Sport in Industrial America" (Ph.D. dissertation, Columbia University, 1951), pp. 331-32, 339; Roy Z. Chamblee, Jr., "The Sabbath Crusade: 1810-1920" (Ph.D. dissertation, George Washington University, 1968), pp. 350-51.

[3]For an in-depth view of Pennsylvania's blue laws during the early eighteenth century, see J. Thomas Jable, "Pennsylvania's Early Blue Laws: A Quaker Experiment in the Suppression of Sport and Amusements, 1682-1740," Journal of Sport History 2 (November, 1974):107-21.

[4]An analysis of the 1779 blue laws and its successors, the blue laws of 1786 and 1794 appears in J. Thomas Jable, "The Pennsylvania Sunday Blue Laws of 1779: A View of Pennsylvania Society and Politics During the American Revolution," Pennsylvania History, 40 (October 1973): 413-26.

[5]The Legislative Journal of the Commonwealth of Pennsylvania for the Session of 1919 (4 vols; Harrisburg: Commonwealth of Pennsylvania, 1919; hereinafter referred to as Legislative Journal), I: 160, 1921, I: 377; 1923, I: 1330, 1925, I:290.

[6]Public Ledger (Philadelphia), 15 May 1919, p. 1.

[7]Ibid., 16 May 1919, p. 5.

[8]Ibid., 16 August 1919, p. 1; 24 June 1919, p. 1; 10 July 1919, p. 1.

[9]Commonwealth et al., Appellants v. Smith et al., 266 Pa. 511 (1920).

[10]Public Ledger (Philadelphia), 9 May 1921, p. 1; 10 May 1921, p. 2.

[11]Editorial, Public Ledger (Philadelphia), 10 May 1921, p. 10.

[12]Pittsburgh Post, 4 October 1920, p. 4.

[13]Pittsburgh Gazette Times, 10 October 1926, Section III, p. 1; Howard Roberts, The Story of Pro Football (New York: Rand McNally & Company, 1953), pp. 21-22, 36-37.

[14]Pittsburgh Gazette Times, 20 October 1926, p. 4.

[15]Ibid., p. 1.

[16]Ibid., 4 October 1926, p. 1.

[17]Ibid., 6 October 1926, p. 1; 10 October 1926, p. 1.

[18]Ibid., 10 October 1926, p. 4.

[19]Ibid., 5 October 1926, p. 5; 8 October 1926, p. 5.

[20]Ibid., 2 October 1926, p. 2; 10 October 1926, Section III, p. 10; Interview with Art Rooney, Pittsburgh Steelers Football Club, Pittsburgh, Pennsylvania, 29 May 1974.

[21]Frederick Lewis Allen, Only Yesterday, An Informal History of the 1920s (New York: Harper & Row, 1964, Perennial Library, 1964), pp 85, 163-64, 195-96.

[22]John A. Lucas, "The Unholy Experiment--Professional Baseball's Struggle Against Pennsylvania's Sunday Blue Laws 1926-1934," Pennsylvania History, 38 (April 1971): 170.

[23]Public Ledger (Philadelphia), 22 August 1926, pp. 1, 8.

[24]Ibid., p. 1; 23 August 1926, p. 1.

[25]The Patriot (Harrisburg), 29 October 1926, p. 1.

[26]Commonwealth ex rel. v. American Baseball Club of Philadelphia, Apellant, 290 Pa. 136 (1927), pp. 137-38, 141-43.

[27]"Pennsylvania Bans Sunday Baseball as Unholy," Literary Digest Magazine, 94 (30 July 1927): 28-29.

[28]Legislative Journal, 1929, I: 103, 262; II: 2685, 3194, 3444.

[29]Lucas, "Unholy Experiment," p. 170.

[30]New York Times, 20 July 1930, Section III, p. 5.

[31]Legislative Journal, 1931, I: 189, 343-44, 400, 1169, 1207; II: 1729, 2509.

[32]Ibid., I: 400; II: 2332-33, 2382-88, 2645-51.

[33]Ibid., II: 2382, 2384-85.

[34]Ibid., II: 2647.

[35]Ibid., II: 2650.

[36]Ibid., II: 2971-76.

[37]Public Ledger (Philadelphia), 5 May 1931, pp. 1, 10.

[38]Ibid., 29 April 1931, p. 9; Legislative Journal, 1931, II: 1729, 3089-91.

[39]Philadelphia Inquirer, 6 May 1931, p. 7.

[40]Legislative Journal, 1931, III: 3617-21.

[41]Legislative Journal, 1931, pp. 125, 164; 1932, pp. 70-71.

[42]Journal of the House of Representatives of the Commonwealth of Pennsylvania for the Session Begun at Harrisburg o the Third Day of January, 1933 (5 pts.; Harrisburg: Commonwealth of Pennsylvania, 1933), pt. 1: 68, 406-07.

[43]Journal of the Senate of the Commonwealth of Pennsylvania for the Session Begun at Harrisburg on the Third Day of January, 1933 (5 pts.; Harrisburg: Commonwealth of Pennsylvania, 1933), pt. 2: 1174.

[44]Public Ledger (Philadelphia), 15 March 1933, p. 2.

[45]Ibid., p. 8.

[46]Ibid., 21 March 1933, p. 1.

[47]The Patriot (Harrisburg), 11 March 1930, p. 1.

[48]Pinchot previously sought senatorial seats in 1920 and 1926. He was a presidential hopeful in 1924 and he envisioned himself as a presidential candidate as late as 1930. His aspirations for these higher offices doubtless influenced his position on the popular issue of Sunday sports. See M. Nelson McGeary, Gifford Pinchot: Forester, Politician (Princeton, N.J.: Princeton University Press, 1960), pp. 266, 270, 315-20, 325, 367, 396.

[49]Public Ledger (Philadelphia), 26 April 1933, p. 8.

[50]Ibid., 27 April 1933, p. 8.

[51]Ibid., 26 April 1933, p. 6.

[52]Ibid., 27 April 1933, p. 8.

[53]"Pennsylvania Changes Ancient Blue Laws," Literary Digest Magazine, 116 (25 November 1933): 18.

[54]Public Ledger (Philadelphia) 9 November 1933, p. 10; Pittsburgh Post Gazette, 9 November 1933, p. 1.

[55]Public Ledger (Philadelphia) 13 November 1933, p. 1; Pittsburgh Post Gazette, 13 November 1933, p. 1.

[56]Roberts, Pro Football, p. 227; Myron Cope, The Game That Was (New York: World Publishing Company, 1970), pp. 127-28.

[57]Interview with Art Rooney, Pittsburgh Steelers Football Club, Pittsburgh, Pennsylvania, 29 May 1974.